

This document is prepared from a precedent intended solely for use by legal practitioners with the knowledge, skill and qualifications required to use the precedent to create a document suitable to meet the vendor's legal obligation to give certain statements and documents to a purchaser before the purchaser signs a contract to purchase the land. This document incorporates the requirements in section 32 of the *Sale of Land Act 1962* as at 30 October 2018.

Vendor Statement

section 32 statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Land Certificate of Title Volume 10605 Folio 210

Property Address 825 CARBOOR-EVERTON ROAD, MARKWOOD

Vendor's name STEPHEN FLEETWOOD HENDERSON

Signature _____ **Date** _____

+ Vendor's name JOANNA TRACY BRISCOMB

+ Signature _____ **Date** _____

Purchaser's name _____

Signature _____ **Date** _____

Important information

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1. FINANCIAL MATTERS

1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

☐ (a) *Their total does not exceed: \$ _____

OR

☐ (b) *Are contained in the attached certificate/s.

OR

☒ (c) *Their amounts are:

Authority	Amount	Interest (if any)
(1) Rural City of Wangaratta	(1) \$3,040.10	(1) \$ _____
(2) Department of Environment	(2) \$ 210.67	(2) \$ _____
(3) _____	(3) \$ _____	(3) \$ _____
(4) _____	(4) \$ _____	(4) \$ _____

☐ (d) *There are NO amounts for which the purchaser may become liable as a consequence of the sale of which the vendor might reasonably be expected to have knowledge¹, which are not included above; other than any amounts described in this rectangular box.

\$ _____

1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

\$ _____ To _____

Other particulars (including dates and times of payments):

1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

☐ *Attached is a Law Institute of Victoria published "Additional Vendor Statement".

1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

☐ *Attached is a Law Institute of Victoria published "Additional Vendor Statement".

¹ Other than any GST payable in accordance with the contract.

~~2. INSURANCE~~

2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

☐ (a) *Attached is a copy or extract of any policy of insurance in respect of any damage to or destruction of the land.

OR

☐ (b) *Particulars of any such policy of insurance in respect of any damage to or destruction of the land are as follows:

Name of insurance company: _____

Type of policy: _____ Policy no: _____

Expiry date: _____ / _____ / _____ Amount insured: _____

2.2 Owner-Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner - builder within the preceding 6 years and section 137B of the Building Act 1993 applies to the residence.

- ☐ (a) *Attached is a copy or extract of any policy of insurance required under the *Building Act 1993*.

OR

- ☐ (b) *Particulars of any required insurance under the Building Act 1993 are as follows:

Name of insurance company: _____

Policy no: _____ Expiry date: ____ / ____ / ____

Note: There may be additional legislative obligations in respect of the sale of land on which there is a building or on which building work has been carried out.

3. LAND USE**3.1 Easements, Covenants or Other Similar Restrictions**

A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

- (a) ☒ *Is in the attached copies of title document/s.

OR

- ☐ *Is as follows:

- (b) ☐ *Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

3.2 Road Access

*There is NO access to the property by road if the square box is marked with an "X" ☐

3.3 Designated Bushfire Prone Area

*The land is in a designated bushfire prone area under section 192A of the *Building Act 1993* if the square box is marked with an "X" ☒

3.4 Planning Scheme

- ☐ *Attached is a certificate with the required specified information.

OR

- ☒ *The required specified information is as follows:

- | | | |
|-----|-------------------------------|----------------------------|
| (a) | Name of planning scheme | Wangaratta Planning Scheme |
| (b) | Name of responsible authority | Rural City of Wangaratta |
| (c) | Zoning of the land | Farming |
| (d) | Name of planning overlay | Nil |

~~4. NOTICES~~**4.1 Notice, Order, Declaration, Report or Recommendation**

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

☐ *Are contained in the attached certificates and/or statements.

OR

☐ *Are as follows:

4.2 Agricultural Chemicals

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

4.3 Compulsory Acquisition

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

~~5. BUILDING PERMITS~~

Particulars of any building permit issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land):

☐ *Are contained in the attached certificate.

OR

☐ *Are as follows:

~~6. OWNERS CORPORATION~~

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act 2006*.

☐ 6.1 *Attached is a current owners corporation certificate with its required accompanying documents and statements, issued in accordance with section 151 of the *Owners Corporations Act 2006*.

OR

☐ 6.2 *Attached is the information prescribed for the purposes of section 151(4)(a) of the *Owner Corporations Act 2006* and the copy documents specified in section 151(4)(b)(i) and (iii) of that Act.

OR

☐ 6.3 *The owners corporation is an inactive owners corporation.²

² An inactive owners corporation includes one that in the previous 15 months has not held an annual general meeting, not fixed any fees and not held any insurance.

~~7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")~~

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act 1987*.

7.1 Work-in-Kind Agreement

This section 7.1 only applies if the land is subject to a work-in-kind agreement.

- (a) *The land is NOT to be transferred under the agreement unless the square box is marked with an "X" ☐
- (b) *The land is NOT land on which works are to be carried out under the agreement (other than Crown land) unless the square box is marked with an "X" ☐
- (c) *The land is NOT land in respect of which a GAIC is imposed unless the square box is marked with an "X" ☐

7.2 GAIC Recording

This section 7.2 only applies if there is a GAIC recording.

Any of the following certificates or notices must be attached if there is a GAIC recording.

The accompanying boxes marked with an "X" indicate that such a certificate or notice that is attached:

- (a) *Any certificate of release from liability to pay a GAIC ☐
- (b) *Any certificate of deferral of the liability to pay the whole or part of a GAIC ☐
- (c) *Any certificate of exemption from liability to pay a GAIC ☐
- (d) *Any certificate of staged payment approval ☐
- (e) *Any certificate of no GAIC liability ☐
- (f) *Any notice providing evidence of the grant of a reduction of the whole or part of the liability for a GAIC or an exemption from that liability ☐
- (g) *A GAIC certificate issued under Part 9B of the *Planning and Environment Act 1987* must be attached if there is no certificate or notice issued under any of sub-sections 7.2 (a) to (f) above ☐

8. SERVICES

The services which are marked with an "X" in the accompanying square box are NOT connected to the land:

- ☐ Electricity supply ☒ Gas supply ☒ Water supply ☒ Sewerage ☐ Telephone services

9. TITLE

Attached are copies of the following documents:

9.1 ☒ *(a) Registered Title

A Register Search Statement and the document, or part of a document, referred to as the "diagram location" in that statement which identifies the land and its location.

OR

☐ *(b) General Law Title

The last conveyance in the chain of title or other document which gives evidence of the vendor's title to the land.

- ☐ *9.2 Evidence of the vendor's right or power to sell (where the vendor is not the registered proprietor or the owner in fee simple).

~~10. SUBDIVISION~~

10.1 Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

- ☐ (a) *Attached is a copy of the plan of subdivision certified by the relevant municipal council if the plan is not yet registered.
OR
- ☐ (b) *Attached is a copy of the latest version of the plan if the plan of subdivision has not yet been certified.

10.2 Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act* 1988.

- ☐ (a) *Attached is a copy of the plan for the first stage if the land is in the second or a subsequent stage.
- (b) The requirements in a statement of compliance relating to the stage in which the land is included that have not been complied with are as follows:

- (c) The proposals relating to subsequent stages that are known to the vendor are as follows:

- (d) The contents of any permit under the *Planning and Environment Act* 1987 authorising the staged subdivision are:

10.3 Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act* 1988 is proposed.

- ☐ (a) *Attached is a copy of the plan which has been certified by the relevant municipal council (if the later plan has not been registered).
- OR
- ☐ (b) *Attached is a copy of the latest version of the plan (if the later plan has not yet been certified).

~~11. *DISCLOSURE OF ENERGY INFORMATION~~

(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act* 2010 (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m²; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

- ☐ *Are contained in the attached building energy efficiency certificate.
- OR
- ☐ *Are as follows:

12. DUE DILIGENCE CHECKLIST

(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)

- ☒ Vacant Residential Land or Land with a Residence
- ☒ Attach Due Diligence Checklist (this will be automatically attached if ticked)

13. ATTACHMENTS

(Any certificates, documents and other attachments may be annexed, and additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)

(Attached is a Law Institute of Victoria published "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)

Certificate of Title Volume 10605 Folio 210



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10605 FOLIO 210

Security no : 124099987261X
Produced 31/08/2022 10:08 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 441728L.
PARENT TITLE Volume 09684 Folio 320
Created by instrument PS441728L 21/09/2001

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

STEPHEN FLEETWOOD HENDERSON
JOANNA TRACY BRISCOMB both of CARBOOR EVERTON RD. BOBINAWARRAH 3678
X895941Y 21/11/2001

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE X895942V 21/11/2001
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
X679730Y 20/08/2001

DIAGRAM LOCATION

SEE PS441728L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

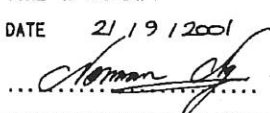
Street Address: 825 CARBOOR-EVERTON ROAD MARKWOOD VIC 3678

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 22/10/2016

DOCUMENT END

PLAN OF SUBDIVISION		STAGE No. /	LTO USE ONLY EDITION 1	PLAN NUMBER PS 441 728 L
LOCATION OF LAND COUNTY OF DELATITE PARISH OF OXLEY SECTION 16A CROWN ALLOTMENTS 5 & 6 LTO BASE RECORD: DCMB TITLE REFERENCES: C/T. VOL.9684 FOL.320 LAST PLAN REFERENCES: POSTAL ADDRESS: CARBOOR EVERTON ROAD (AT TIME OF SUBDIVISION) BOBINAWARRAH AMG CO-ORDINATES E 455 700 (OF APPROX CENTRE OF LAND IN PLAN) N 5 959 500 <div style="text-align: right;">ZONE 55</div>		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: RURAL CITY OF WANGARATTA REF: S419 1. THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988. 2. THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF ORIGINAL CERTIFICATION UNDER SECTION 6 / / 1988 3. THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE SUBDIVISION ACT 1988. OPEN SPACE (I) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE SUBDIVISION ACT 1988 HAS HAS NOT BEEN MADE. (II) THE REQUIREMENT HAS BEEN SATISFIED. (III) THE REQUIREMENT IS TO BE SATISFIED IN STAGE COUNCIL DELEGATE COUNCIL SEAL DATE 31 / 7 / 01 RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. COUNCIL DELEGATE COUNCIL SEAL DATE / /		
VESTING OF ROADS AND / OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING THIS IS NOT A STAGED SUBDIVISION. PLANNING PERMIT No. P01-1100 DEPTH LIMITATION THE SUBJECT LAND IS LIMITED AS TO SO MUCH AS LIES ABOVE THE DEPTH OF 15.24 METRES BELOW THE SURFACE. OTHER NOTATIONS THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES SURVEY THE DIMENSIONS OF LOT 2 ARE THE RESULT OF THIS SURVEY AND THE DIMENSIONS AND AREA OF LOT 1 HAVE BEEN DERIVED FROM TITLE. THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS Nos. 33, 34, 49 IN PROCLAIMED SURVEY AREA No. —		
NIL		NIL		
EASEMENT INFORMATION				
LEGEND A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT(ROAD)				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED / IN FAVOUR OF
E-1	POWER LINE	14.00	THIS PLAN - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	TXU ELECTRICITY LTD.
LTO USE ONLY STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT. RECEIVED <input checked="" type="checkbox"/> DATE 20 / 8 / 01 LTO USE ONLY PLAN REGISTERED TIME 11:53 AM DATE 21 / 9 / 2001  Assistant Registrar of Titles SHEET 1 OF 2 SHEETS				
A.L. JOHNSON & ASSOCIATES PTY. LTD. 28 SCOTT STREET WANGARATTA 3677. PH. (03) 5721 4615		LICENSED SURVEYOR ALAN LESLIE JOHNSON SIGNATURE DATE : 6 / 7 / 01 PLAN No. J651/4 VERSION 1	 DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3

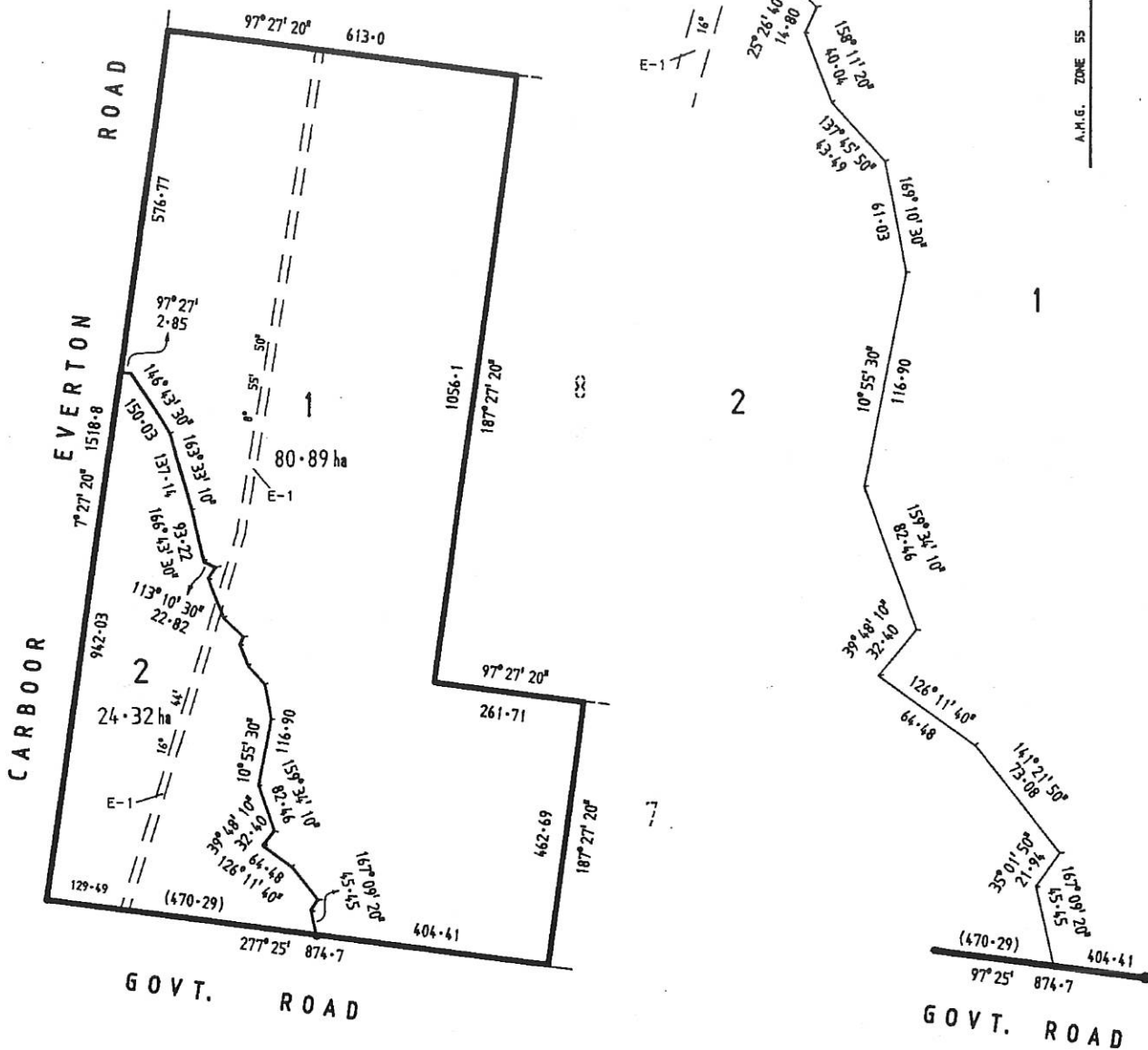
PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 441 728 L

SEC 15A
3



SCALE OF ENLARGEMENT
25 0 50 100

SCALE

80 0 100 200 300 400
LENGTHS ARE IN METRES

ORIGINAL

SCALE SHEET
SIZE

1:8000 A3

LICENSED SURVEYOR ALAN LESLIE JOHNSON

SIGNATURE DATE : 6 / 7 / 01

A.L. JOHNSON & ASSOCIATES P/L. PLAN No. J651/4
28 SCOTT STREET 3677.
WANGARATTA PH. (03) 5721 4615

VERSION 1

SHEET 2 OF 2 SHEETS

DATE / /
COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

\$63.

BY LETTER



X679730Y
200801 2034 173 \$63



APPLICATION FOR RECORDING OF AN AGREEMENT
Section 181(1) PLANNING & ENVIRONMENT ACT 1987

Form 9.1 - Planning and Environment Act Regulations

Application by Rural City of Wangaratta
Responsible Authority,
Relevant Authority,
Referral Authority or Council
for the making of a recording of an
agreement
Section 181 (1) Planning and Environment Act 1987

Lodged by: PETER J. MORRISS LLB
Name: PETER MORRISS
Phone: 03 57215433
Address: 27 ELY STREET, WANGARATTA
Ref:
Customer Code: 1290F

AMENDED
14 SEP 2001

With consent of
Queen's Printer 02

App
10/01

The authority or council having made an agreement requires a recording to be made in the Register for the land.

LOT 1 ON THE PLAN ATTACHED AND BEING PART OF THE LAND IN
Land: Certificate of Title Volume 9684 Folio 320 (~~Part~~)

Authority or Council: WANGARATTA RURAL CITY COUNCIL. No 28/8/01
-Rural City of Wangaratta of Ovens Street Wangaratta
3677

Section and Act under which agreement made: Section 173 of Planning &
Environment Act 1987

A copy of the agreement is attached to this application

Date: 31/07/01

C.T. NOT
REQ'D

Signed:

FRANK MACALISTER DARKE
(Manager-Planning) being the
duly authorised and delegated
officer of the Wangaratta Rural
City Council



DX679730Y-1-5

24/8/01

THIS AGREEMENT is made the *31st* day of *July* 2001

BETWEEN :

**TREVOR ALFRED SUMMERS and
VERONICA JEANETTE SUMMERS**
both of R.M.B. 1125, Milawa, 3678
("the Applicants")

- and -

WANGARATTA RURAL CITY COUNCIL
of 64-66 Oven Street, Wangaratta
("the Council")

X679730Y
200801 2034 173 \$63



RECITALS:

- A. The Applicants are the proprietors in fee simple of the land contained in Crown Allotments 5 and 6, Section 16A, Parish of Oxley, County of Delatite.
- B. The Council is the responsible authority pursuant to the Planning and Environment Act 1987 administering the Wangaratta Planning Scheme as it applies to the land.
- C. The Applicant has been granted a planning permit from the Council in Application No. P01-1100 for a two lot Plan of Subdivision **SUBJECT TO** (inter alia) :
5. "Prior to the issue of a Statement of Compliance the owner of the subject land must, at no cost to the responsible authority, enter into an agreement (in a form satisfactory to the responsible authority) with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide that:
- a) the land described as Lot one on the endorsed plan shall not be further subdivided.



DX679730Y-2-2

- 2 -

It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.

IT IS NOW AGREED:

1. That the Applicants, their successors and transferees and the registered proprietor for the time being of all of the land designated as Lot 1 on Plan of Subdivision No. PS 441728L covenant with Wangaratta Rural City Council that the Land shall not be further subdivided.

SIGNED SEALED AND DELIVERED
by the said TREVOR ALFRED SUMMERS
in the presence of:



SIGNED SEALED AND DELIVERED
by the said VERONICA JEANETTE SUMMERS
in the presence of:



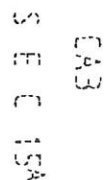
SIGNED SEALED AND DELIVERED
by the said FRANK MACALISTER DARKE
(Manager-Planning) being the duly
authorised and delegated officer of
the Wangaratta Rural City Council
in the presence of:



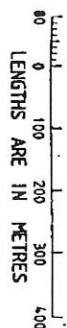
X679730Y
200801 2034 173 \$63



DX679730Y-3-0



SCALE



NOTE: DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

CERTIFICATE OF TITLE	VOL: 9664	FOL: 320
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PROPOSED EASEMENT
E-1 ELECTRICITY SUPPLY (APPROX)

**PLAN OF PROPOSED SUBDIVISION OF
CROWN ALLOTMENTS 5 & 6
SECTION 16A
PARISH OF OXLEY
COUNTY OF DELATITE**



DX679730Y-4-7

A.L. JOHNSON & ASSOCIATES PTY. LTD.
20 SCOTT STREET
WANDSWORTH 3677
PH. (03) 5721 4615
PLAN No. J651/3A

DATED

2001

TREVOR ALFRED SUMMERS and
VERONICA JEANETTE SUMMERS

("The Applicants")

- and -

WANGARATTA RURAL CITY COUNCIL

("the Council")

AGREEMENT PURSUANT TO SECTION 173
OF THE PLANNING AND ENVIRONMENT ACT 1987

PETER J. MORRISS, LL.B
BARRISTER & SOLICITOR
27 Ely Street
Wangaratta 3677

Telephone: (03) 5721 5433



DX679730Y-5-4

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 31 August 2022 10:43 AM

PROPERTY DETAILS

Address: **825 CARBOOR-EVERTON ROAD MARKWOOD 3678**
Lot and Plan Number: **Lot 2 PS441728**
Standard Parcel Identifier (SPI): **2\PS441728**
Local Government Area (Council): **WANGARATTA**
Council Property Number: **2643**
Planning Scheme: **Wangaratta**
Directory Reference: **Vicroads 48 J2**

www.wangaratta.vic.gov.au

[Planning Scheme - Wangaratta](#)

UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**
Urban Water Corporation: **North East Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
Legislative Assembly: **OVENS VALLEY**

OTHER

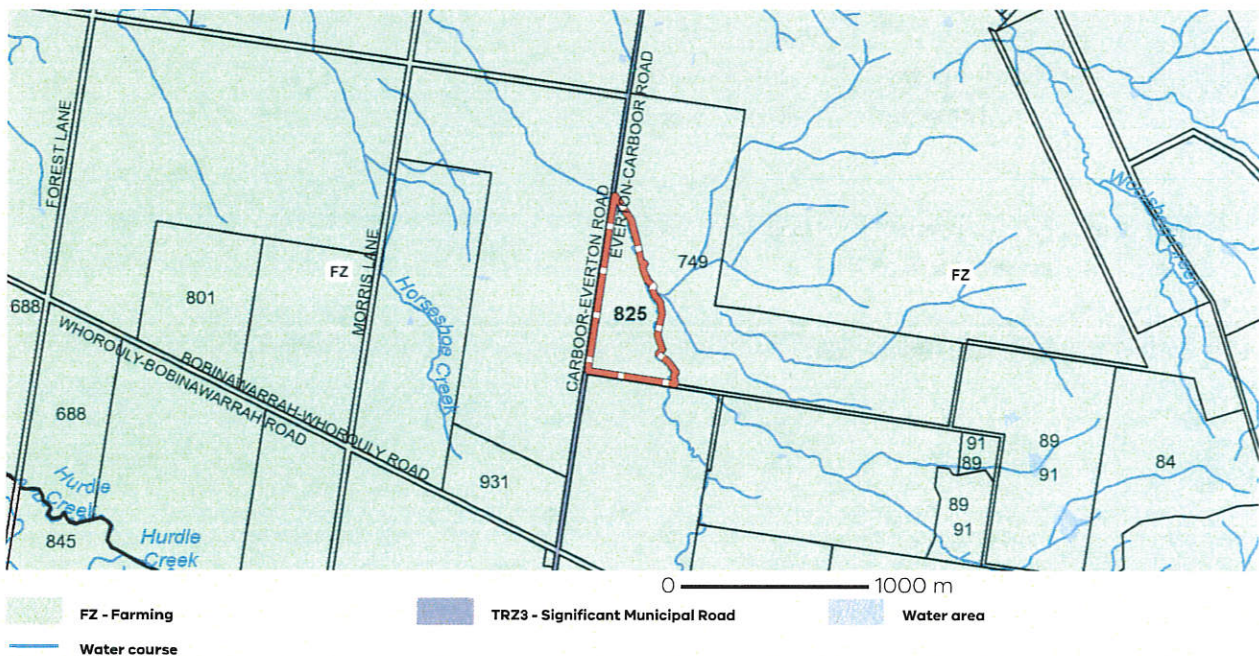
Registered Aboriginal Party: **Taungurung Land and Waters**
Council Aboriginal Corporation

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 825 CARBOOR-EVERTON ROAD MARKWOOD 3678

Page 1 of 5

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Planning Overlay

None affecting this land - there are overlays in the vicinity

OTHER OVERLAYS

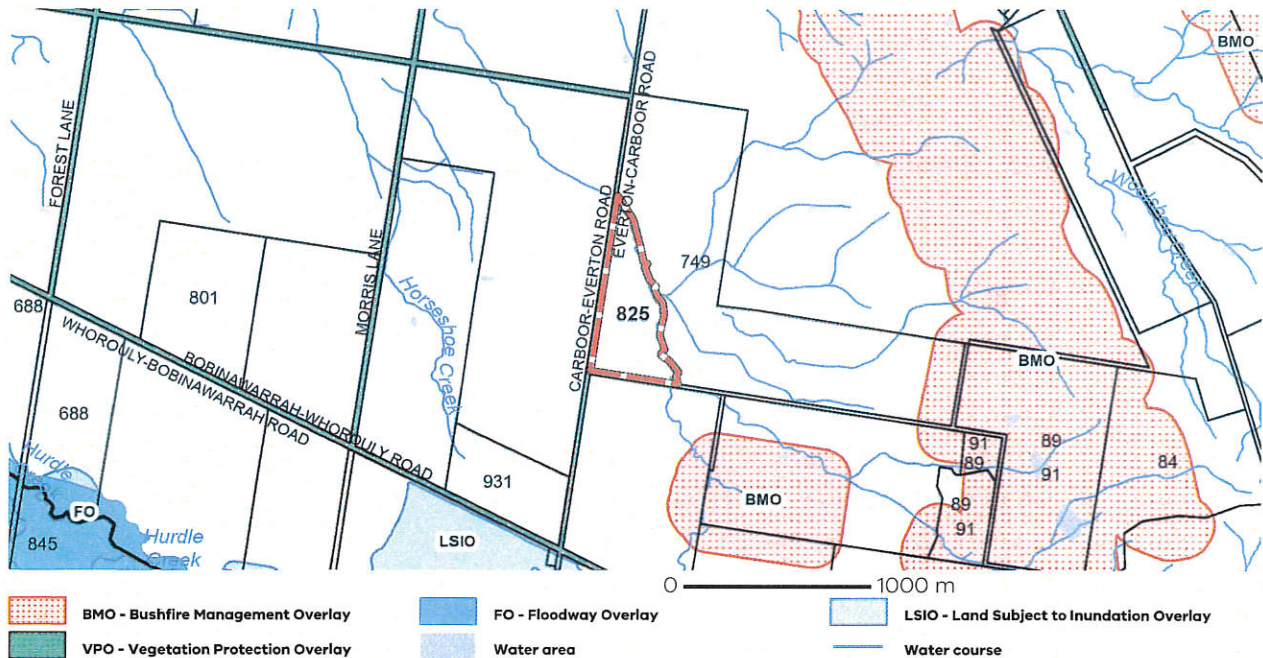
Other overlays in the vicinity not directly affecting this land

[BUSHFIRE MANAGEMENT OVERLAY \(BMO\)](#)

[FLOODWAY OVERLAY \(FO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[VEGETATION PROTECTION OVERLAY \(VPO\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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PLANNING PROPERTY REPORT: 825 CARBOOR-EVERTON ROAD MARKWOOD 3678

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Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

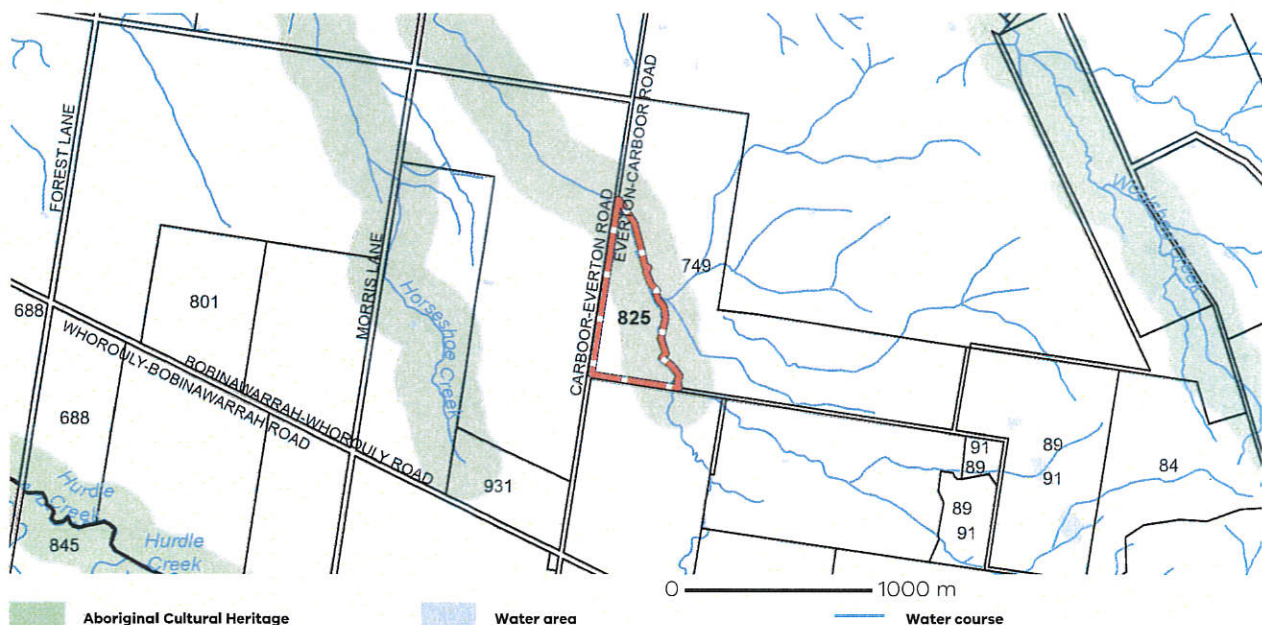
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.gov.nrms.net.au/govQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



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Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 825 CARBOOR-EVERTON ROAD MARKWOOD 3678

Page 3 of 5

Further Planning Information

Planning scheme data last updated on 23 August 2022.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

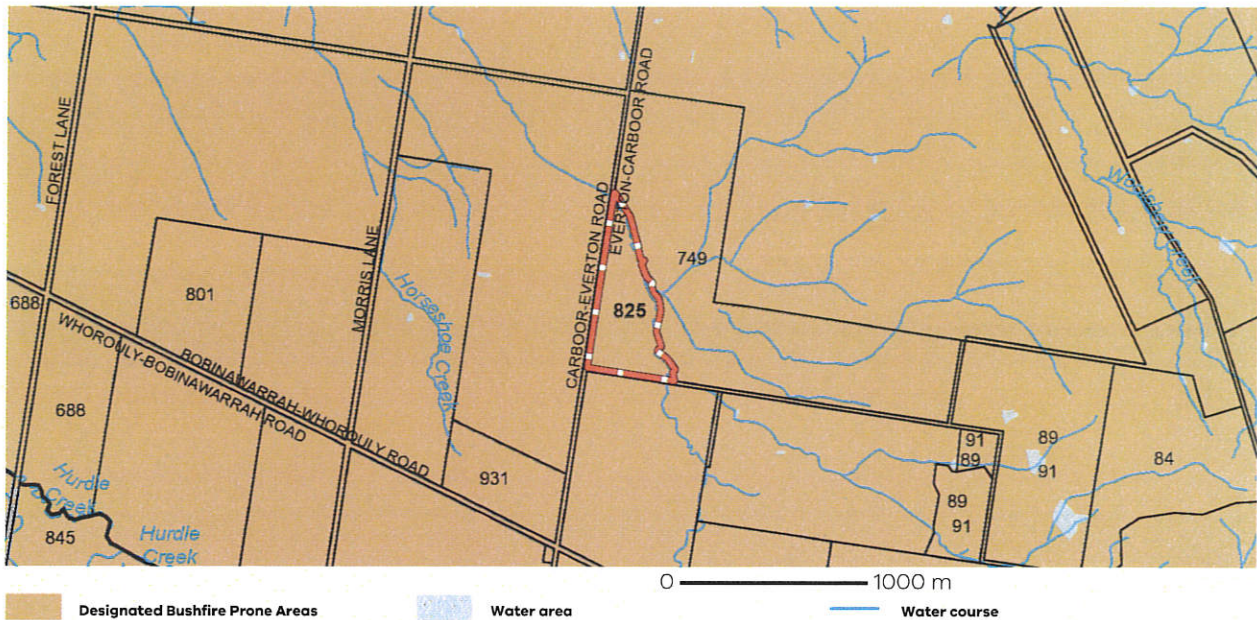
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

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Transfer of Licence Form

This form is to formally transfer a licence for the occupation of Crown land.

Following settlement, please submit this completed transfer form (both pages with plan) by post to PO Box 879, Seymour, Victoria, 3660 or emailed to transactioncentre@delwp.vic.gov.au, with requirements listed below.

Please review and tick the checklist below, this will assist in the Transfer of Licence being conducted efficiently. *If any details are not included, the transfer paperwork may be returned to you to have sufficient information included.*

- ☐ Transfer fee of \$61.15 (GST Exempt) and any outstanding rental (if applicable) is included.
 - ☐ Cheque/Money Order included OR
 - ☐ Please contact _____ on _____ to take Credit card payment
 - ☐ Please invoice the proposed licensee the transfer fee & any outstanding rental. Please note: this invoice will be arranged and sent to the proposed licensee once the transfer is completed, under separate cover. It can take up to 21 days following the transfer for the invoice to be issued.
- ☐ Notice of Acquisition, Copy of Title or Copy of Rates notice to identify that the proposed Licensee is now the adjoining landowner to the licensed area.
- ☐ Part Transfer or ☐ Full Transfer – Please note that in most cases licenses or part of licences can only be transferred to the adjoining land owner.

Details of present licence holder(s)

Please do not change details of pre-filled information this has been populated from the existing licence.

I/We JO BRISCOMB; STEPHEN HENDERSON

Of: 825 CARBOOR-EVERTON ROAD, MARKWOOD, Victoria, 3678, Australia

Being the holder(s) of Licence No: 2011031

Granted under the provisions of the Land Act 1958 do hereby agree to transfer said licence.

Signature(s): _____ Date: _____

If the Licensee is no longer able to sign the form, please provide an explanation in the covering letter with supporting documentation.

Particulars of the adjoining freehold land which is now occupied/owned or in the process of purchase by me/us:

Lot on Plan Number: _____

Crown allotment number

with parish name (if applicable): _____



Environment,
Land, Water
and Planning

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Transfer of Licence Form

- Transfer of this licence should not be used as a condition of sale as the transfer is not an automatic process and will be subject to approval of the land manager. Please advise prospective purchasers of this information.
- Please ensure to include Notice of Acquisition, Copy of Title or Copy of Rates notice to identify that you are now the adjoining landowner to the licensed area.

This section to be completed by the proposed licence holder(s) – Please print clearly and provide full names.

I/We _____

Of _____

Town: _____ Postcode: _____ State: _____

Postal Address if Different to Above

Address: _____

Town: _____ Postcode: _____ State: _____

do hereby agree to accept the transfer of the said licence to me/us and supply the following information which is true and correct, and acknowledge this licence is issued for the purpose of GRAZING

Signature/s: _____ Date: _____

_____ Date: _____

To ensure the Department meets financial obligation please provide a contact phone number and email

Preferred Contact phone no.: _____

Email: _____

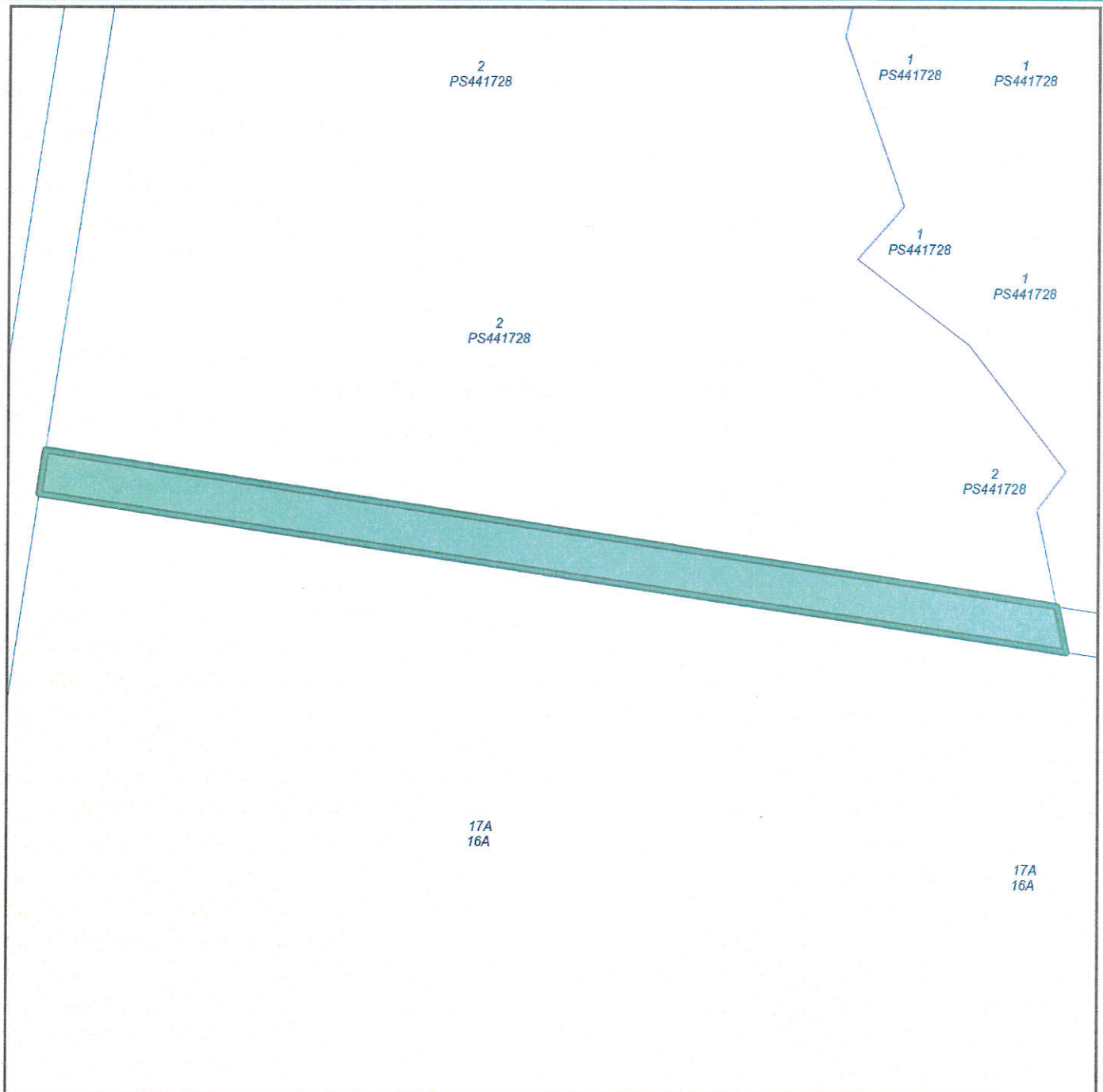
Rental Information

OFFICE USE ONLY

Licence No2011031– (Unused Road)-Rental is \$ 210.67 has been paid for the period ending 1/10/2093

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting your personal information in accordance with the principles of the Privacy and Data Protection Act 2014. Personal information collected will be used for the purpose of issuing and administering your Crown Land Licence and the attendant Crown Land management requirements. DELWP may disclose your information to the local municipality or other relevant government agencies or statutory authorities for this purpose or if required by law. DELWP also uses and discloses the information for the purpose of the resolution of applications for determination of native title and for meeting its obligations under the Native Title Act 1993 (Cth). If you wish to access this information please contact the Manager, Privacy and FOI, PO Box 500, East Melbourne, Vic, 3002

OFFICIAL



Legend

- Township
- Parish
- Parcel
- Crown Parcel**
 - Crown Land
 - Government Road
- Plan Noting**
- Apiary**
 - Temporary Apiary Rights
 - Beefarm and Range licences

- Linear Tenure**
 - Other Pipelines
 - Industrial Commercial licences
 - Recreation Amusement licences
 - Occupancy licences
 - Radio TV Telecom site licences
 - Emergency Services Use licences
 - Water Supply licences
 - Miscellaneous General licences
 - Easements
 - Pipe Consents

- Lease**
 - General Licence
 - Delegated Lease
 - Delegated License
 - Grazing Licence
 - Riparian Management Licence
 - Water Frontage Licence
 - Unused Road Licence
 - Delegated Management Reserve
 - Direct Management Reserve

- Government Road**
 - Government Road
 - Dual Status Government Road

1:2,500



Overview Map

Land and Built Environment
Hume
Dept of Environment, Land, Water & Planning

Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

Due diligence checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting the [Due diligence checklist page on the Consumer Affairs Victoria website](http://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

DATED:

VENDORS:

**STEPHEN FLEETWOOD HENDERSON
and JOANNA TRACY BRISCOMB**

PURCHASER:

VENDOR STATEMENT

PROPERTY:

**825 CARBOOR-EVERTON ROAD
MARKWOOD**

VENDORS' SOLICITOR:

**Milne Lawyers
27 Reid Street
Wangaratta, 3677**

Tel: **(03) 5721 5311**

Fax: **(03) 5722 1314**

Ref: **JMM:220473**